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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	CASE NO. 4:13-cr-00555-JST
)	
14 Plaintiff,)	[PROPOSED] ORDER TO CONTINUE HEARING
)	FROM DECEMBER 20, 2013 TO JANUARY 17,
15 v.)	2014 AND EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT
16 KYLE EDWARD MOORE, (a/k/a "Cal"),)	
CORTIO DETRICE WADE, (a/k/a "Tea"),)	Date: January 17, 2014
17 MARCEL DEVON BRIDGES, (a/k/a "Cell"),)	Time: 9:30 a.m.
DERRICKA LYNN FLUKER,)	
)	
18 Defendants.)	
)	
19)	

20 The above-entitled matter is set before this Court on December 20, 2013 at 9:30 a.m. for status.
21 The parties have jointly requested that the hearing be continued to January 17, 2014 at 9:30 a.m. and that
22 the Court exclude time under the Speedy Trial Act between December 10, 2013 and January 17, 2014.

23 Defendants Kyle Moore, Cortio Wade, Marcel Bridges, and Derricka Fluker are charged in a 21-
24 count indictment alleging various violations of 18 U.S.C. § 371 (Conspiracy to Commit Financial Aid
25 Fraud) and 18 U.S.C. § 1342 (Wire Fraud). The allegations arise from a two-year investigation by the
26 U.S. Department of Education, Office of Inspector General and the Federal Bureau of Investigation into
27 suspected fraud in connection with Federal Student Loan and Grant Programs.

28 Following the defendants' initial appearances before the magistrate court, the parties negotiated,
STIPULATION AND ~~[PROPOSED]~~ ORDER TO CONTINUE
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1 and this Court approved, a stipulated protective order to facilitate the disclosure of discovery. The
2 United States also sought and obtained orders to copy and produce previously sealed search warrant
3 documents and grand jury transcripts. According to the parties, the grand jury transcripts consist of
4 evidence provided during the multi-month grand jury investigation that led to the captioned indictment.
5 Thereafter, the United States produced a voluminous amount of documentary and electronic discovery,
6 including witness interview summaries, financial spreadsheets, “straw student” records from multiple
7 California Community Colleges, detailed case agent reports, computer forensic reports from seized
8 media, covert audio recordings, search warrant documents, and grand jury material, among other
9 discovery items.

10 Following the United States’ initial discovery productions, the parties continued to meet-and-
11 confer regarding the defendants’ loss amount calculations pursuant to U.S.S.G. § 2B1.1. Thereafter, the
12 United States created and produced a detailed spreadsheet setting for United States’ loss amount
13 calculation for each defendant, along with an explanation as to its loss calculation methodology.
14 Counsel for the defendants has been reviewing the above-referenced discovery, in addition to the loss
15 amount calculation spreadsheet, and requires more time to review the materials in order to effectively
16 prepare the case for further disposition. The United States agrees that additional time is necessary for a
17 meaningful review of the produced discovery. The parties have jointly agreed that the case will likely
18 resolve pursuant to a negotiated disposition, however the parties require more time to prepare the case.

19 On that basis, the parties jointly requested that the Court continue the hearing to January 17,
20 2014 and that the Court exclude time under the Speedy Trial Act between December 10, 2013 and
21 January 17, 2014. The parties agreed that the extension is not sought for delay. The parties further
22 agreed the ends of justice served by granting the continuance outweigh the best interests of the public
23 and the defendants in a speedy trial. Therefore, the parties further stipulated and requested that the
24 Court exclude time between December 10, 2013 and January 17, 2014 under the Speedy Trial Act for
25 effective preparation of defense counsel and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

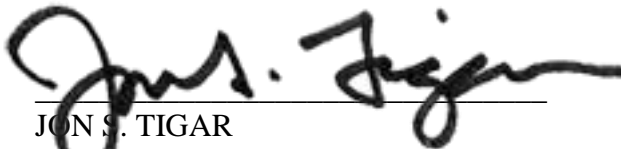
26 For these stated reasons, the Court finds that the ends of justice served by granting the
27 continuance outweigh the best interests of the public and the defendants in a speedy trial. For good
28 cause shown, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), and **IT IS HEREBY**

STIPULATION AND [~~PROPOSED~~] ORDER TO CONTINUE
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1 **ORDERED** that the hearing in this matter is continued from December 10, 2013 to January 17, 2014 at
2 9:30 a.m., and that time between December 10, 2013 and January 17, 2014 is excluded under the Speedy
3 Trial Act to allow for the effective preparation of defense counsel, taking into account the exercise of
4 due diligence.

5 **IT IS SO ORDERED.**

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7 DATE: December 11, 2013

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9 JON S. TIGAR
10 UNITED STATES DISTRICT JUDGE
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